

Attachment to Independent Case Review Report
For CDRU # 5196 Case file # 95-243506

Material Examiner Malone (RO)

Remarks:

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 8:45 AM (Time), 09/16/99 (Date)

File #: 95-243506

Laboratory #(s): 10608001

Examiner(s) & Symbols

| | Reviewed | Not Reviewed | | Reviewed | Not Reviewed |
|-----------|-------------------------------------|-------------------------------------|-----------|--------------------------|-------------------------------------|
| <u>RQ</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>VJ</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>QW</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>NM</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>SQ</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>TT</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone (two transcripts)

Testimony Date(s): 1982; 1983 Pages: 227-241; 221-241

Laboratory Report(s):

Laboratory Number: 10608001 Date: Jul-15, 1981

Laboratory Number: _____ Date: _____

Laboratory Number: _____ Date: _____

Examiner Bench Notes of: RQ and unknown technician(s)

Laboratory Number: 10608001

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Initials: SRM

Was any other material reviewed? Yes X No

If yes, please identify and/or describe the material: _____

Results of Review

File #: 95-243506 Item or Specimen # Reviewed: Q14-Q31, Q34-Q35, Q37-Q38,

Q40-Q57, Q59, Q65-Q66, Q69-Q72, Q75-Q82, Q88-Q91, Q94-Q98, Q101-Q102, Q104-Q106, Q112-Q114, K3-K4, K8-K11

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
 Yes No Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
 Yes No Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- Transcript not available.
- 3) Testimony consistent with the laboratory report(s)? Yes No Unable to Determine
 - 4) Testimony consistent with the bench notes? Yes No Unable to Determine
 - 5) Testimony within bounds of examiner's expertise? Yes No Unable to Determine

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Initials: SM

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-243506

#1. There is insufficient documentation to determine if the hair comparison was performed in a scientifically acceptable manner.

#2. The results are not adequately documented in the notes. The notes are not dated, are in pencil and have some erasures. Some hair were deemed unsuitable with no documented reason or explanation. The examiner uses abbreviations that are difficult to interpret. Some questioned hair were matched or eliminated as coming from the known samples without characterization of the microscopic characteristics observed in these questioned or known hair. The technicians do not document the recovery of any hair from the questioned items.

#4. In the 1982 transcript, the examiner testifies "I processed", "I found", "I examined", "I removed" when its more likely the technicians processed and removed the questioned hair from the items.

Review completed at: 10:15 AM (Time), 09/16/99 (Date)

Total time spent conducting review (to nearest 1/4 hour):

1 1/2 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

Steve Roberts
(Signature)

9-16-99
(Date)

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Initials: SRW